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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/733,098 | 12/11/2003 | William Vallet | 790_022 | 2437 |
| 25191 | 7590 | 07/28/2005 | EXAMINER | |
| BURR & BROWN PO BOX 7068 SYRACUSE, NY 13261-7068 | | | CAMPBELL, KELLY E | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3618 | |

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

| | | |
|-------------------|--------------|--|
| Application No. | Applicant(s) | |
| 10/733,098 | VALLET | |
| Examiner | Art Unit | |
| Kelly E. Campbell | 3618 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1/08/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hergeth (DE 3702093).

Hergeth teaches an alpine ski (1) having a sidecut (silent) which has a radius smaller than 24 millimeters,

the front (silent) and/or rear (silent) ends of which have a cavity opening longitudinally at said end, which consists of two longitudinal elements (2, 3) side by side and joined at the underfoot zone by a platform (4) for mounting the binding.

With regards to the applicants claims regarding ratio Cav and the specific method of determining the ration and the lateral deflection of the ski during measurement, It would have been obvious to one of ordinary skill in the art to modify the length, application of force and degree of deflection of the ski as recited, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art, In re Aller, 105 USPQ 233.

Art Unit: 3618

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hergeth (DE 3702093) as applied to claim 1 above, and further in view of Ortwig (EP 1297869).

Hergeth does not teach the cavity of the alpine ski being filled with Elastic filling material.

Ortwig teaches a ski having first and second elements receiving elastic filling (33) for modify the board body as a function of the load or bending of the sliding board for a more comfortable ride.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve the deflection of the board taught by Hergeth via elastic addition material as taught by Ortwig for improving the smooth quality of the ride and minimizing shock received by the rider.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Melcher teaches an alpine ski consisting of two elements and having a sidecut. Hammerle teaches alpine skis having a sidecut configuration. Zemke teaches a ski having a cavity at the rear end and point of deflection. Sadler teaches a ski having a cavity at the rear end and point of deflection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly E. Campbell whose telephone number

Art Unit: 3618

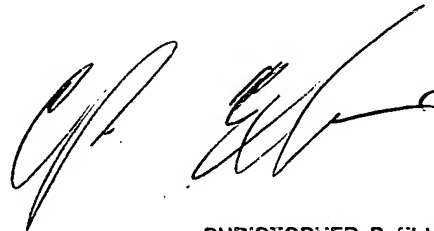
is (571) 272-6693. The examiner can normally be reached on 9:00-5:30
Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the
examiner's supervisor, Chris Ellis can be reached on (571) 272-6914. The fax
phone number for the organization where this application or proceeding is
assigned is 703-872-9306.

Information regarding the status of an application may be obtained from
the Patent Application Information Retrieval (PAIR) system. Status information
for published applications may be obtained from either Private PAIR or Public
PAIR. Status information for unpublished applications is available through
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free).



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CHRISTOPHER D. ELLIS
SUPERVISOR, PATENT EXAMINER
TECHNICAL